

## **REMARKS**

Claims 1 – 5, 8 – 10, 12 – 14, and 16 – 19 are in the application. Claims 1, 16, and 19 are currently amended; claims 2 – 5, 12 – 14, 17, and 18 remain unchanged from the original versions thereof; and claims 6, 7, 10, 11, 15, and 20 are canceled. Claims 1, 16, and 19 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. This Supplemental Response and Amendment is filed by Applicant to correct the listing and description of claim 7 (i.e., canceled, as listed in the Response and Amendment filed May 2, 2008). Applicant submits that the Response and Amendment filed May 2, 2008 was a bona fide and complete response to the January 2, 2008 Office Action. Accordingly, Applicant respectfully requests the entry and consideration of the present Supplemental Response and Amendment without the requirement of any additional extensions of time and/or fees.

Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 103**

Claims 1 – 5, 7 – 14, and 16 – 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,823,319 to Lynch et al.(hereinafter, Lynch), in view of U.S. Publication No. 2002/0082903 A1 to Yasuzawa and in further view of Official Notice. This rejection is traversed.

Applicant notes that claim 1 relates to a method of generating return targets for potential real estate deals, the method including receiving prior real estate deal information from a prior deal data source; defining a rule-based pricing system based on an analysis of the received prior real estate deal information; determining a collateral type associated with a potential real estate deal; receiving supplemental deal information associated with the potential real estate deal; and automatically generating a base return target for the potential real estate deal based on applying the collateral

type and the supplemental deal information to the rule-based pricing system, the return target being at least one of: (i) a return on investment value, (ii) a net income value, (iii) an internal rate of return value, and (iv) a loan spread value. The claimed method further includes identifying a risk mitigant associated with the potential real estate deal based on the supplemental deal information; identifying a risk adder associated with the potential real estate deal based on the supplemental deal information; validating the rule-based system with additional prior real estate deal information; and automatically determining a return target for the potential real estate deal by adjusting the generated base return target in accordance with the identified risk mitigant the identified risk adder; and the validated rule-based system. Claims 16 and 19 are worded similar to claim 1.

Applicant submits that the cited and relied upon Lyons fails to disclose or suggest the claimed aspects of, at least:

- receiving prior real estate deal information from a prior deal data source;
- defining a rule-based pricing system based on an analysis of the received prior real estate deal information;
- validating the rule-based system with additional prior real estate deal information; and
- automatically determining a return target for the potential real estate deal by adjusting the generated base return target in accordance with the identified risk mitigant the identified risk adder; and the validated rule-based system.

Applicant respectfully submits that Lyons fails to disclose receiving prior real estate deal information and defining a rule-based pricing system based on an analysis of the received prior real estate deal information. In contrast to the claims, the MSS rules 210 of Lyons are not disclosed as being based on any prior real estate deal information. The MSS rules include products exclusionary rules, pricing and risk rules, repair rules, edit preference rules, credit grading and credit transformation rules,

benefits rules, explanation rules, cross-selling rules, and stipulation rules. (See Lyons, col. 5, ln. 1 – 67) None of these types of rules are disclosed as being prior real estate deal information. Accordingly, it logically follows that Lyons does not disclose or suggest the claimed defining a rule-based pricing system based on an analysis of the received prior real estate deal information.

Applicant notes that the MSS factors rules provide rules for adjusting the eligibility of a customer. (See Lyons, col. 5, ln. 7 – 10) The Lyons compensating factors enables the offeror to override the requirements of a product in an attempt to offer a modified product. As such, Lyons appears to provide a mechanism for overriding the rules established for offering a product. This is in contrast to the claims (e.g., 1, 16, and 19) wherein the rule-based system is validated with additional prior real estate deal information, and a return target for the potential real estate deal is automatically determined by adjusting the generated base return target in accordance with the identified risk mitigant the identified risk adder; and the validated rule-based system.

Applicant also submits that the claimed *validating* aspect is not disclosed or suggested by Lyons.

Applicant further submits that the cited and relied upon Yasuzawa does not correct or otherwise compensate for the failings of Lyons. Additionally, the combination of Lyons, Yasuzawa, and the alleged Official Notice does not render claims 1, 16, and 19 obvious under 35 USC 103(a).

Therefore, Applicant respectfully submits that Lynch, Yasuzawa, and the Official Notice fails to disclose or suggest claims 1, 16, and 19, configured as claimed by Applicant. Applicant submits that the cited references also fail to render the dependent claims 2 – 5, 7 – 14, 17, and 18 obvious. Thus, Applicant requests the reconsideration and withdrawal of the rejection under 35 USC 103(a).



## **C O N C L U S I O N**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

/Randolph P. Calhoun/  
Randolph P. Calhoun  
Registration No. 45,71  
Buckley, Maschoff & Talwalkar LLC  
Attorneys for General Electric Company  
50 Locust Avenue  
New Canaan, CT 06840  
(203) 972-5985